



Dep. & Def  
DIVISION  
200 m # 807  
Application No. 10/813,675  
Docket No. 032341-54650

2005 JUN -3 AM 9:30

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Yoshimichi TANIGUCHI et al.

Serial No. 10/813,675

Filed: March 31, 2004

For: ANTI-BACTERIAL MEDICAL  
WATERPROOF MATERIAL AND  
SHEET MADE OF THE SAME

)  
) Group Art Unit: 3765  
) Examiner: Unknown  
) Confirmation No. 4360  
) Date: May 26, 2005  
)  
)

REQUEST FOR REFUND

Commissioner for Patents  
United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Attention: Refund Section, Accounting Division, Office of Finance

Sir:

Submitted herewith is an assertion of small entity status in this application.

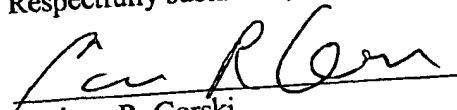
This request for refund is made within three months of the date the full fee was paid in this application. On March 3, 2005, Applicant filed a Response to Missing Parts in the above-captioned application together with a filing fee of \$790.00 and a Declaration Surcharge of \$130.00. The appropriate filing fee for an application filed before December 8, 2004 under small entity status is \$395.00 and the declaration surcharge for the same is \$65.00. Therefore, applicant's payment of \$920.00 was \$460.00 in excess of the filing fee required by law.

In accordance with the terms of 37 CFR §1.26 and 37 CFR §1.28(a), applicant hereby seeks a refund of the \$460.00 in filing fees and declaration surcharge fees paid in excess of the fee required by law.

Docket No. 032341-54650  
Serial No. 10/813,675  
Page 2

Please credit the refund to Deposit Account No. 19-2380 (032341-54650). A  
duplicate copy of this request is enclosed.

Respectfully submitted,

  
Corinne R. Gorski  
Registration No. 34,339

NIXON PEABODY LLP  
Suite 900, 401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
(202) 585-8000



Application No. 10/813,675  
Docket No. 032341-54650

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ASSERTION OF SMALL ENTITY STATUS  
(37 C.F.R. §1.27 (c)(1))

Commissioner for Patents  
United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicant hereby states that applicant is a small entity and that status as a small entity is asserted for this application.

Respectfully submitted,

Corinne R. Gorski  
Registration No. 34,339

NIXON PEABODY LLP  
Suite 900, 401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
(202) 585-8000

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UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/813,675	03/31/2004	Yoshimichi Taniguchi	032341-54650

CONFIRMATION NO. 4360

22204

 NIXON PEABODY, LLP  
 401 9TH STREET, NW  
 SUITE 900  
 WASHINGTON, DC 20004-2128

## FORMALITIES LETTER



"OC000000014878015"

Date Mailed: 01/05/2005

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/04/2005 SZENDIE1 00000018 192380 10813675

FILED UNDER 37 CFR 1.53(b)

 01 FC:1001 790.00 DA  
 02 FC:1051 130.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 790 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$920 for a Large Entity

- \$790 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

 Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

 Adjustment date: 07/07/2005 SDIRETA1 10813675  
 03/04/2005 SZENDIE1 00000018 192380  
 01 FC:1001 790.00 CR  
 02 FC:1051 130.00 CR

 07/07/2005 SDIRETA1 00000050 192380 10813675  
 01 FC:2001 395.00 DA  
 02 FC:2051 65.00 DA

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Effective on 12/08/2004.  
Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**OFFICE OF THE COMPTROLLER OF THE PATENT OFFICE**  
**FEE TRANSMITTAL FOR FY 2005**

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT		\$920.00
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Application Number		10/813,675
Filing Date		March 31, 2004
First Named Inventor		Yoshimichi TANIGUCHI, et al.
Confirmation No.		4360
Art Unit		3765
Attorney Docket No.		032341-054650

**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account Deposit Account Number: 19-2380 Deposit Account Name: Nixon Peabody LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments
- under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-20238.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple document claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

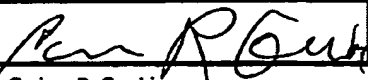
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number)	x	=

**4. OTHER FEE(S)**

	Fees Paid (\$)
Declaration Surcharge, \$130 fee (no small entity discount)	\$130.00
Other: Application filed before December 8, 2004	\$790.00

**SUBMITTED BY**

Signature		Registration No. 34,339 (Attorney/Agent)	Telephone (202) 585-8000
Name (Print/Type)	Corinne R. Gorski	Date	March 3, 2005

SEND TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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